



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

ROBERT W. SWANSON
DIRECTOR

STATE BOUNDARY COMMISSION

MEETING NOTICE

THURSDAY – JANUARY 18, 2007 - 1:30 PM
611 W. OTTAWA STREET (OTTAWA BUILDING) - LANSING
CONFERENCE ROOM 2 – UPPER LEVEL
(map attached)

A G E N D A

<u>COUNTY</u>	<u>DOCKET</u>	<u>ACTION</u>
OAKLAND	06-I-3	Legal sufficiency on the incorporation of the Village of Oxford as a Home Rule City.
NEWAYGO	06-AR-1 06-AR-2	Legal sufficiency on the annexation of territories in Garfield Township to the City of Newaygo.

TO CONFIRM WHETHER A DOCKET ITEM HAS BEEN POSTPONED, OR IF YOU HAVE ANY QUESTIONS REGARDING THIS MEETING, PLEASE CALL (517) 335-3439 BEFORE 11:00 AM ON THE DAY OF THE MEETING.

THE COMMISSION MAY, AT ITS DISCRETION, REVISE THIS AGENDA OR TAKE UP OTHER ISSUES AS NEED AND TIME ALLOW.

The meeting site is accessible and includes handicapped parking. Persons with disabilities who require additional accommodation in order to participate should contact the Boundary Commission Office by telephone (517-335-3439) or email (caholme@michigan.gov) at least ten business days in advance. In order to enhance accessibility for everyone, individuals attending the meeting are encouraged to refrain from using heavily scented personal care products.

STATE BOUNDARY COMMISSION
OFFICE OF POLICY & LEGISLATIVE AFFAIRS
611 W. OTTAWA STREET • P.O. BOX 30004 • LANSING, MICHIGAN 48909
517 335-3439 • www.michigan.gov/dleg • Fax: 517 241-9822



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To: State and Newaygo County Boundary Commissioners

From: Christine Holmes, Manager
State Boundary Commission

Date: January 17, 2007

Subject: **Docket # 06-AR-1**
Legal Sufficiency Review
Petition to Annex Certain Territory in the Township of Garfield
to the City of Newaygo (Newaygo County)

1. This petition to annex approximately 80 acres of property in Garfield Township to the City of Newaygo was filed with the State Boundary Commission on September 22, 2006. The petition was filed by a council resolution of the City of Newaygo, dated September 11, 2006. That resolution authorizes the city manager, city clerk, and legal counsel (Law Weathers & Richardson) to act on behalf of the city in filing this petition.

2. The Part I map identifies Government Lots 8 and 9. Based on information this office recently obtained since the date of the legal sufficiency memo prepared by the Office of Land Survey and Remonumentation, these two lots were absorbed into Garfield Township when the Village of Newaygo was dissolved upon incorporation as the City of Newaygo. Attached to this memo are excerpts from the Public and Local Acts of 1875 and 1968, and the Michigan Manual of 1977-78.

3. The east line of the territory proposed for annexation is contiguous to the City of Newaygo by approximately 2,000 feet. The southeastern portion of this territory which is not bounded by a 425 agreement is contiguous to the City of Newaygo by approximately 1,300 feet. A 425 Conditional Transfer agreement which includes territory contiguous to the southwestern boundary of this territory proposed for annexation was filed with the Secretary of State on May 11, 2006. Attached is a memo (dated October 8, 1996) from the Office of Attorney General which clarifies court opinions that a 425 conditional transfer agreement may not be used to establish contiguity.

A letter from the Office of Land Survey and Remonumentation, which describes their review of the map and legal description, is provided. Mr. Keith Lambert is available to provide further comment for the Commission.



JENNIFER M. GRANHOLM
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STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

ROBERT W. SWANSON
DIRECTOR

January 11, 2007

Christine A. Holmes
Manager
State Boundary Commission

RECEIVED
DEPT. OF LABOR & ECONOMIC GROWTH
JAN 12 2007
OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

RE: Docket 2006-AR-01 Garfield Township / City of Newaygo

Dear Christine:

We have reviewed the PART I map and the PART III legal description in **2006-AR-01** and have the following comments for your consideration.

The PART I map does not identify the boundary of the territory proposed to be annexed into the City of Newaygo, Michigan.

The PART I map incorrectly identifies the areas west and south of the territory proposed for annexation as being within the **City of Newaygo** limits. The territory proposed for annexation is bounded on the west by an Act 425 conditional transfer area and on the south in part by an Act 425 conditional transfer area and in part by the City of Newaygo.

The PART I map does not identify the city/township boundary located north of the territory proposed for annexation. The PART III legal description is accurate.

The legislature incorporated the entire section 24 into the Village of Newaygo on March 16, 1867, Act 355. Section 24 includes Government lots 8 and 9 which is the territory proposed for annexation. The Village of Newaygo was incorporated into a home rule city on September 11, 1968, which included section 24 except Government lots 8 and 9. We have no record of the remnant of the Village of Newaygo being abolished.

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Christine A. Holmes
January 11, 2007
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The territory proposed for annexation in the PART III legal description is contiguous with the **City of Newaygo** limits, based on the documentation provided by the Secretary of State as of October 5, 2006.

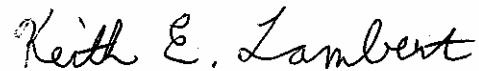
Sincerely,



Maynard R. Dyer, P.S., Director
Office of Land Survey and Remonumentation

MRD/KEL/aim

Sincerely,



Keith E. Lambert, P.S., Plat Examiner
Office of Land Survey and Remonumentation

